



City Council Agenda

Council President
Tom Boyajian

Councilmembers

Brian Calhoun
Brad Castillo, Acting President
Mike Dages

Jerry Duncan
Henry T. Perea
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, AUGUST 26, 2003

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on www.ci.fresno.ca.us The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Proclamation of "ALCOHOL AND DRUG ADDICTION RECOVERY MONTH" - Mayor Autry and all Councilmembers

Proclamation of "Back to School Safety Day" - Councilmember Perea

Resolution of Commendation to Fresno Police Department Truancy Unit - Mayor Autry

Presentation of Fresno Area Express Driver Appreciation Awards - Council President Boyajian

Recognition of Interim Fire Chief Joel Aranaz - City Manager's Office

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. Public testimony will not be taken on unscheduled/non-action items.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of August 19, 2003

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * **RESOLUTION** - 411th Amendment to the Master Fee Schedule Resolution No. 80-420 increasing green fees at Riverside and Palm Lakes Municipal Golf Courses - PR&CS

Action Taken:

- B. Approve the purchase of an easement for public street purposes from property located at the southwest corner of Herndon Avenue and Van Ness Boulevard - Public Works Dept.

Action Taken:

- C. * **RESOLUTION** - Approving the reclassification of \$66,300 from contingency as the 11.47 percent local match for Congestion Mitigation and Air Quality (CMAQ) Project costs to be incurred in the first quarter of fiscal year 2004 - Public Works Dept.

Action Taken:

GENERAL CONSENT CALENDAR CONTINUED

- D. Approve amendment to agreement for professional services with Allred Engineering for Construction Management Services at the Northeast Surface Water Treatment Facility (SWTF) - Public Works Dept.
Action Taken:
- E. Approve amendment to agreement for professional services with Carollo Engineers for Critical Path Method (CPM) construction schedule review services at the Northeast Surface Water Treatment Facility (SWTF) - Public Works Dept.
Action Taken:
- F. Approve Contract Change Order No. 11 for infrastructure for traffic signal synchronization system project - Public Works Dept.
Action Taken:
- G. * **RESOLUTION** - 18th amendment to AAR No. 2003-209 appropriating \$52,000 for installation of flashing beacons at McKinley and San Pablo Avenues (***Requires 5 affirmative votes***) - Public Works Dept.
Action Taken:
- H. * **RESOLUTION** - 3rd amendment to Salary Resolution No. 2003-213 retitling the class of Animal Curator in Unit 3, Non-Supervisory White Collar to General Curator, and modification of Unit 13, Management Non-Confidential to include the class of General Curator - Personnel Services
Action Taken:
- I. Award a contract to Tron Construction of Fresno for Fresno Yosemite International Airport (FYI) Sound Mitigation Acoustical Remedy Treatment (SMART) Program Phase VII, Bid Group #11, (122 Homes) - General Services Dept./Airports Dept.
Action Taken:
- J. * **RESOLUTION** - Accept a grant award for \$17,193 from the Office of Homeland Security, Office of Emergency Services and authorize the completion of all related documents - Police Dept.
Action Taken:
1. * **RESOLUTION** - 19th amendment to the AAR No. 2003-209 appropriating \$17,200 to the Police Department for reimbursement from the department of Homeland Security (***Requires 5 affirmative votes***)
Action Taken:
- K. Reject all bids for design, build and maintain a liquified/compressed natural gas fueling facility - General Services Dept./Public Works Dept.
Action Taken:
- L. Award a contract to Agee Construction Corporation of Clovis, California, for widening of North Friant Road between East Audubon Drive and East Shepherd Avenue - General Services Dept./Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- M.** Approve a professional services agreement with Krazan & Associates for material testing of the Fresno-Chandler Downtown Airport Airfield improvements funded by Federal Aviation AIP Grant Nos. 3-06-0088-04, 05, & 07 - Airports Dept.
Action Taken:
- N.** Approval of Amendment No. 3 to the lease and agreement between CCA Silband/GolfCorp, Inc., (Airways Golf Course) and the City of Fresno - Airports Dept.
Action Taken:
- O.** **RESOLUTION** - Approving the Final Map of Tract No. 4697 and accepting dedicated public uses therein and authorize Public Works Director and Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken:
- P.** Approve appointment of Jennette Williams to the Fresno Metropolitan Flood Control District - Mayor Autry
Action Taken:
- Q.** **RESOLUTION** - Establishing Disadvantaged Business Enterprise (DBE) program goals for 2003-2004 in U.S. Department of Transportation (DOT) Assisted projects/contracts for the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), and Federal Transit Administration (FTA) - General Services Dept.
Action Taken:
- R.** Award a contract to Robert Baida for Independent Administrative Hearing Officer Services - City Manager's Office
Action Taken:
- S. *** **BILL - (For introduction)** - Amending the Fresno Municipal Code to allow for free parking at parking meters and select City-owned parking facilities for qualified low emission vehicles - Public Works Dept.
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

8:30 A.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of August 19, 2003

Action Taken:

- A.** Status report on potential new redevelopment plan areas and direction to Redevelopment staff to begin the process for selecting consultants and initiating the two new plan areas and the related plan amendments
Action Taken:

ADJOURN AGENCY

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** **HEARING** to consider Community Facilities District No. 2, Annexation No. 54, Tract No. 4974
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 54
Action Taken:
- 10:05 A.M.** Presentation by SBC to provide an update on their investments in telecommunication - Council President Boyajian
- 10:10 A.M.** **HEARING** to consider Rezone Application No. R-03-036 and environmental findings, filed by Gary Giannetta, for 14.74 acres of property located on the east side of N. Polk Avenue between W. Gettysburg and W. Santa Ana Avenues - **(Property located in District 2)** - Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-03-036, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5 (Exclusive Five Acre Agricultural) zone district to the R-1 (Single-Family Residential) zone district
Action Taken:
- 10:15 A.M.#1** **HEARING** to consider Rezone Application No. R-03-027 and environmental findings, filed by Yosemite Point Partnership, for 8.98 acres of property located on the east side of N. Blythe Avenue, 725 feet south of W. Ashlan Avenue - **(Property located in District 1)** -Planning and Development Dept. **(Continued to September 23, 2003 @ 2:30 P.M.)**
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-03-027/C-03-078, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the R-2/UGM (Low Density Multiple-Family Residential/Urban Growth Management), without zoning conditions, zone district
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:15 A.M.#2 HEARING to consider a resolution of public use and necessity for the acquisition of permanent easement and right of way for public street purposes from property located on two Assessor's Parcels (APNs 404-082-02 and 05) for the widening of Herndon Avenue between Cedar and Willow Avenues **(Property located in District 6)** - Public Works Dept.

Action Taken:

- 1.* **RESOLUTION** - Determining that public interest and necessity require acquisition of permanent easement and right of way for public street purposes over, under, through and across property for the project of improvement and widening of Herndon Avenue and authorizing eminent domain proceedings for public use and purpose - Public Works Dept.

Action Taken:

10:20 A.M. HEARING to consider Rezone Application No. R-03-39 and environmental findings, filed by Tim Naselroad, for .9 acre of property located on the north side of E. Austin Way, north of E. Ashlan Avenue and west of N. Chestnut Avenue **(Property located in District 4)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. R-03-39
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-1-B (Single-Family Residential) zone district to the R-2 (Low Density Multiple-Family Residential), without zoning conditions, zone district

Action Taken:

10:30 A.M. HEARING to consider Rezone Application No. R-03-29 and environmental findings, filed by Maurice and Violet Mesple, for 2.34 acres of property located at 1370 E. Alluvial **(Property located in District 6)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-03-029, resulting in a Class 5 Categorical Exemption
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-P/UGM/cz (Residential and Professional Office), with conditions of zoning and will remain R-P/UGM/cz (Residential and Professional Office) with conditions of zoning, zone district

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 10:35 A.M. HEARING** to consider Rezone Application No. R-03-33, property located on the northwest side of N. Salinas Avenue between. N. Figarden Drive and W. San Jose Avenue, filed by Valley Pacific Builders, Inc. and Art Bolanos for 4.95 acres of property located on the northwest side of N. Salinas Avenue between N. Figarden Drive and W. San Jose Avenue (between the alignments of N. Brawley Avenue and N. Cornelia Avenue) **(Property located in District 2)** - Planning and Development Dept.
1. Consider and adopt Environmental Assessment No. R-03-033, T-5184, C-03-90, finding of conformance with 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 2. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-A/UGM (Single-Family Residential-Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single-Family Residential/Urban Growth Management) zone district
Action Taken:
- 10:40 A.M. HEARING** to consider Rezone Application No. R-03-35 and environmental findings, filed by Gretchen and Darryl Freedman, for 0.76 acres of property located at 2556 N. Blythe Avenue - **(Property located in District 1)** - Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt Environmental Assessment No. R-03-035, resulting in a Class 32 Categorical Exemption
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM, (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single-Family Residential) zone district
Action Taken:
- 10:50 A.M. HEARING** to consider Rezone Application No. R-03-31 and environmental findings, filed by Fresno Investment Group and Running Horse, for 18.6 acres on the northwest corner of S. Marks and W. Madison, related to Tract No. 5206 **(Property located in District 3)** - Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt Environmental Assessment No. R-03-31/T-5206, findings conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-A/UGM (Residential-Agriculture/Urban Growth Management) zone district to the R-1/UGM (Single-Family Residential/Urban Growth Management) zone district
Action Taken

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:55 A.M. HEARING amending the ownership of Club One Cardroom, requested by Elaine Long
(Continued to September 16, 2003 @ 10:55 A.M.)
Action Taken:

11:00 A.M. HEARING to request to change the street name of W. Acala to W. Alluvial Avenue - Planning & Development ***(Continued to September 16, 2003 @ 9:45 A.M.)***
Action Taken:
1. Approve alternative one to retain the W. Acala Avenue street name (No Change)
Action Taken:

2:00 P.M.#1 **ADOPT CONTESTED CONSENT ITEMS**

2:00 P.M.#2 **CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6**
City Negotiator(s): Severo Esquivel, Adela Gonzalez and Jorge C. Aguinaga
Employee Organization(s):
1. Fresno City Employees' Association (FCEA)
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**
1. **Case Name:** Elizabeth Gutierrez, Geoffrey Gutierrez v. City of Fresno; et al.; USDC Case No. CIV-F-02-5795 OWW/SMS
2. **Case Name:** Leng Xiong v. City of Fresno, Fresno Police Officers Brian Heck, Christopher Desmond, Brad Haga and Phia Vang
3. **Case Name:** Fresno Police Officers' Association and William M. Dragoo, Ronald Passmore, Lawrence Bertao, Daniel Monteverchi and Roger Enmark v. City of Fresno Retirement Board and the City of Fresno
Action Taken:
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9 (b)**
1. **Case Name:** Claims of Sandy Moua, Theresa Moua, et al.
2. **Case Name:** Claim of Chau Vue and Maycha Vang, (a minor, by and through Me Vang, her guardian)
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY

D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code

Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno; Fresno Recreational Facilities Financing Authority, a Joint Exercise of Powers Agency v. Peter T. Stravinski; Kimberly D. Stravinski, et al (Palm Lakes)

Action Taken:

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Government Code Section § 54956.8

PROPERTY: 1807 Broadway; APN 466-19-413

CITY NEGOTIATORS: City Manager, Assistant City Manager and Director of Development

NEGOTIATING PARTIES: Mackie & Greg Gostanian

UNDER NEGOTIATION: Acquisition of real property

Action Taken:

2:30 P.M. WORKSHOP relating to issuing Request for Proposals (RFP) on para transit contract - Councilmember Perea

3:30 P.M. Award a contract to Orange Avenue Disposal, Inc. of Fresno for the transfer, processing and disposal of municipal solid waste, construction and demolition materials, asphalt and concrete materials, and household hazardous waste materials - General Services Dept./Dept. Public Utilities

Action Taken:

2.

GENERAL ADMINISTRATION

- A.** Report to Council on State Budget impacts and mitigating options and direct staff, with the assistance of the City Attorney's Office, to proceed with the issuance of Bond Anticipation Notes (BANS) to be backed by the motor vehicle in lieu backfill repayment from the State of California - Finance Dept.

Action Taken:

2.

GENERAL ADMINISTRATION CONTINUED

- B. * **BILL NO. B-69 - (Intro. 8/19/03)** - Amending the Fresno Municipal Code Chapter 10, Article 1, Section 10-103 (p) and add Chapter 10, Article 10, Section 10-1019 to allow for up to Four (4) motorcycles to be parked in on-street and off-street metered and unmetered parking spaces - Public Works Dept.

Action Taken:

- C. * **BILL NO. B-70 - (Intro 8/19/2003)** - Amending the Fresno Municipal Code relating to sewage and water disposal - Dept. of Public Utilities

Action Taken:

3.

CITY COUNCIL

- A. Direct staff and City Attorney to prepare an ordinance to prohibit representatives of companies/individuals responding to Requests for Proposals and Requests for Qualifications and those involved in the formal bid process from contacting elected officials except during public meetings of the Council - Councilmember Dages

Action Taken:

- B. Direct staff to remove the requirement of the quarterly juvenile accountability ordinance reports by the Police Dept. and to require the same report to be prepared instead on an annual basis - Councilmember Calhoun

Action Taken:

- C. Status report of Global contract negotiations from Council Committee - Acting President Castillo

- D. Direct that execution of contract with Global Spectrum relating to Convention Center operations be delayed pending resolution of Florida litigation issues between Global Spectrum and SMG - Councilmember Calhoun

Action Taken:

- a. Set hearing to set aside the award of contract with Global Spectrum relating to Convention Center operations

Action Taken:

- E. Request status report of the Running Horse project to include an update on the \$50,000 financial feasibility study - Acting President Castillo

Action Taken:

- F. Approve Grizzlies Stadium Single Event License Agreement between City of Fresno and Make-A-Wish Foundation for District 5 sponsored 9-11 Field of Wishes Event, allocating all net revenues therefrom to Make-A-Wish Foundation - Councilmember Dages

Action Taken:

5. **CLOSED SESSION ANNOUNCEMENTS**

6. **PUBLIC COMMENT PERIOD - No Council action except to place on future agenda.
Presentation limited to three (3) minutes.**

- A. Scheduled Public Comment -
1. Appearance by Don Glasson to discuss the back zoning of his property from RA zone to R1 zone
 2. Appearance by Debbie M. Reyes, Chair of the Human Relations Commission to discuss relocating the Commission to the City Clerk's Office
- B. **UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept. 2-	NO MEETING - COUNCIL VACATION
Sept. 9-	NO MEETING - COUNCIL VACATION
Sept. 16	9:00 A.M. Unemployment report - Councilmember Calhoun
Sept. 16-	10:00 A.M. HEARING re: Rezone Appl. No. R-03-037, property located on the northwest corner of Winery and Clinton, filed by Jeffrey Wall
Sept. 16 -	10:15 A.M. HEARING re: Plan Amendment No. A-02-001, filed by Vittorio and Sandra DiCicco, property located on the northwest corner of E. Ventura and S. Third
Sept. 16 -	10:30 A.M. HEARING re: Rezone Appl. No. R-03-28, filed by Lennar Homes
Sept. 16 -	10:45 A.M. HEARING re: Rezone Application No. R-03-032, filed by Paul Toste
Sept. 16 -	10:50 A.M. HEARING re: Rezone Application No. R-02-038, filed by Dirk Poeschel, property located at Barstow and Brawley (Figarden Loop)
Sept. 16 -	10:55 A.M. HEARING amending the ownership of Club One Cardroom, requested by Elaine Long
Sept. 23-	8:30 A.M. JOINT MEETING with Madera County Board of Supervisors - City Hall
Sept. 23-	2:15 P.M. HEARING re: Community Facilities District No. 2, Annexation No. 55, Tract No. 5102
Sept. 23-	2:20 P.M. HEARING re: Community Facilities District No. 2, Annexation No. 56, Tract No. 5190
Oct. 21-	10:00 A.M. Council study session on cable franchise renewal
Oct. 21	10:30 A.M. HEARING re: Community Facilities District No. 2, Annexation No. 57, Tract No. 4831